

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**TRUSTEES OF THE TEAMSTERS LOCAL 456, ET
AL.,**

Plaintiffs,

- against -

HUDSON RIVER RECOVERY CORP.,

Defendant.

**10CV87 (CS)(LMS)
11CV5944 (CS)(LMS)
13CV247 (KMK)(LMS)**

**REPORT AND
RECOMMENDATION**

**TO: THE HONORABLE CATHY SEIBEL, U.S.D.J.
THE HONORABLE KENNETH M. KARAS, U.S.D.J.**

These actions have been referred to the undersigned for post-judgment proceedings.

Docket # 12 (10CV87); Docket # 13 (11CV5944); Docket # 12 (13CV247). Plaintiffs—Trustees of the Teamsters Local 456 Pension, Health & Welfare, Annuity, Education & Training, S.U.B., Industry Advancement, and Legal Services Funds and the Westchester Teamsters Local Union No. 456—brought these actions against Defendant Hudson River Recovery Corp., seeking to recover monetary contributions to the Funds which Defendant failed to make. Defendant defaulted in all three actions, and default judgments were entered. Plaintiffs have been attempting to obtain discovery from Defendant in connection with their efforts to collect on the judgments, which remain unsatisfied.

On October 5, 2018, the undersigned issued an Order granting Plaintiffs' motion to compel and ordering Defendant to respond to Plaintiffs' Request for Production of Documents by November 5, 2018. Docket # 14 (10CV87); Docket # 20 (11CV5944); Docket # 15 (13CV247). In that same Order, the undersigned granted Plaintiffs' application for fees and costs pursuant to

Fed. R. Civ. P. 37(a)(5) in the total amount of \$2,646.37. Accordingly, I conclude, and respectfully recommend that Your Honors should conclude, that the Clerk of the Court should be directed to enter a supplemental judgment, to be docketed in all of the above-referenced cases, in favor of Plaintiffs and against Defendant in the amount of \$2,646.37, representing \$2,539.50 in attorneys' fees and \$106.87 in costs.

Plaintiffs are directed to serve a copy of this Report and Recommendation upon Defendant at its last known address and to file proof of service with the Court.

NOTICE

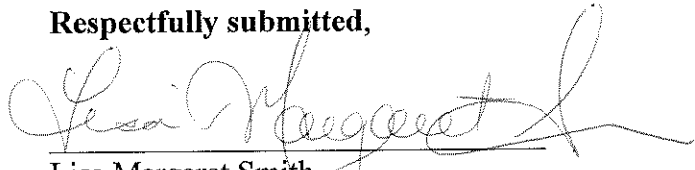
Pursuant to 28 U.S.C. § 636(b)(1), as amended, and Fed. R. Civ. P. 72(b), the parties shall have fourteen (14) days, plus an additional three (3) days, pursuant to Fed. R. Civ. P. 6(d), or a total of seventeen (17) days, see Fed. R. Civ. P. 6(a), from the date hereof, to file written objections to this Report and Recommendation. Such objections, if any, shall be filed with the Clerk of the Court, with extra copies delivered to the chambers of the Honorable Cathy Seibel and the Honorable Kenneth M. Karas, at the United States District Court, Southern District of New York, 300 Quarropas Street, White Plains, New York, 10601, and to the chambers of the undersigned at the same address.

Failure to file timely objections to this Report and Recommendation will preclude later appellate review of any order of judgment that will be entered.

Requests for extensions of time to file objections must be made to Judge Seibel and/or Judge Karas.

Dated: November 7, 2018
White Plains, New York

Respectfully submitted,



Lisa Margaret Smith
United States Magistrate Judge
Southern District of New York

No objection to this Report & Recommendation (the "R&R") has been received. Review is therefore for clear error. I find no error, clear or otherwise, and accordingly I adopt the R&R as the decision of the Court. I have conferred with Judge Karas and he has authorized me to represent that he also finds no error and adopts the R&R. The Clerk of Court is respectfully directed, on my behalf and that of Judge Karas, to enter a supplemental judgment, to be docketed in each of the above-referenced cases, in favor of Plaintiffs and against Defendant in the amount of \$2,646.37.

SO ORDERED.



CATHY SEIBEL, U.S.D.J.

11/28/18

